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EXAMINER	
TECKLU, ISAAC TUKU	
ART UNIT	PAPER NUMBER
2192	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/709,277	SANDREW, BARRY B.	
	Examiner	Art Unit	
	ISAAC T. TECKLU	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/10/07; 07/24/07; 07/20/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 have been examined.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1277); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims copending Application No. 10/709275 (hereinafter '275').

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following observations.

Following are but a few examples as to how the certain claims from the instant invention and from the above copending application are conflicting with each other.

As per claims 13, 20, 33 and 38, copending '275' claims 13, 20, 33 and 38 also recite a the steps of "…copying a first project data file … producing a finished work product …". Even though '277' claims recite manipulating motion picture data using labor outsourcing, one skilled in the art would recognize that the motion picture data are derived from the very same defined constructs recited in the instant and the copending claims, such that it is reasonable to construct that the '277' manipulating motion picture data read on the defined constructs of the instant claim managing projects. This is an obviousness-type of anticipatory double patenting because the recited subject matter is not identical in language, the species claimed subject matter reads

on, in an anticipatory matter—the subject matter not patentably distinct – the subject mater of the instant claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Bell et al. (US 2002/0049778 A1), hereinafter Bell.

Per claim 1, Bell discloses in a computer system, a method for manipulating motion picture data using labor outsourcing comprising (paragraph [0001] "… managing backup and primary …" and e.g. FIGURE 10 and related text):

copying a first project data file from a first work site to a second project data file at a second work site (paragraph [0011] "… copy of enterprise information …" and paragraph[0020] "… enterprise sites…" and e.g. FIGURE 1, 106a-106c and related text);

performing at least one operation at said second work site on said second project data file using outsourced labor (paragraph [0040] "… copies can be made and updated each with …");

copying said at least one operation between said second work site and said first work site (paragraph [0011] "… backup copy performed …" and paragraph [0020] "… enterprise information stored at one storage node can be mirrored at another storage node …");

applying said at least one operation performed at said second work site to said first project data file at said first work site (paragraph [0020] "… is copied to a plurality of other enterprise sites …" and paragraph [0084] "… replica 728 of FIGURE 7 can be periodically updated with most …"); and,

producing a finished work product at said first work site without copying said second data file to said first work site (paragraph [0053] "… generation of customer-specific information …" and e.g. FIGURE 6 and related text).

Per claim 2, Bell discloses the method of claim 1 further comprising: providing feedback to a second worker at said second work site from a first worker at said first work site (paragraph [0084] "… to collect re-directed information …" paragraph [0103] "… status of particular …" and paragraph [0104] "… provides a visual horizontal bar …").

Per claim 3, Bell discloses the method of claim 2 wherein said providing feedback is accomplished in real-time (paragraph [0084] "… gathered in real-time …").

Per claim 4, Bell discloses the method of claim 2 wherein said providing feedback is accomplished in non-real time (paragraph [0104] "… provides a visual horizontal bar …").

Per claim 5, Bell discloses the method of claim 1 further comprising: copying said at least one operation between said second work site and a third work site for redundant configuration management (paragraph [0095] "… copied multiple times …" and paragraph [0096] and e.g. FIGURE 13 and related text).

Per claim 6, Bell discloses the method of claim 1 wherein said copying said at least one operation is accomplished in real time (paragraph [0084] "… gathered in real-time …").

Per claim 7, Bell discloses the method of claim 1 wherein said copying said at least one operation is accomplished in batch mode (paragraph [0104] "… provides a visual horizontal bar …").

Per claim 8, Bell discloses the method of claim 1 wherein said applying said at least one operation relies on a stamp associated with said at least one operation (paragraph [0084] "… to collect re-directed information …" paragraph [0103] "… status of particular …" and paragraph [0104] "… provides a visual horizontal bar …").

Per claim 9, Bell discloses the method of claim 8 wherein said applying said at least one operation further comprises applying a first operation having a first stamp from said first work

site and a second operation having a second stamp from said second work site to said first project data file at said first work site in an order based on said first stamp and said second stamp (paragraph [0020] "… is copied to a plurality of other enterprise sites …" and paragraph [0084] "… replica 728 of FIGURE 7 can be periodically updated with most …").

Per claim 10, Bell discloses the method of claim 9 further comprising: detecting a collision resulting from the application of said first operation and said second operation to a first portion of said first project data file (paragraph [0068] "… determine which files of the file …").

Per claim 11, Bell discloses the method of claim 1 further comprising: generating metrics based on said at least one operation itself (e.g. FIGURE 16, 1620 and related text).

Per claim 12, Bell discloses the method of claim 1 further comprising: generating metrics based on an intermediate work piece produced by applying said at least one operation to said first project data file (e.g. FIGURE 16, 1602 and related text).

Per claim 13, Bell discloses the method of claim 1 further wherein said copying said first data project file further comprises physically transferring said first data project file to said second work site and wherein said copying said at least one operation further comprises electronic transfer (paragraph [0045] "… data transfer communication channels to transfer data …").

Per claim 14, Bell discloses in a computer system, a method for manipulating motion picture data using labor outsourcing comprising (paragraph [0001] "… managing backup and primary …" and paragraph [0039] "… for outsourcing information …" and e.g. FIGURE 10 and related text):

copying a first project data file from a first work site to a second project data file at a second work site (paragraph [0001] "… managing backup and primary …" and paragraph [0039] "… for outsourcing information …" and e.g. FIGURE 10 and related text);

copying said first project data file from said first work site to a third project data file at a third work site (paragraph [0011] "… copy of enterprise information …" and paragraph[0020] "… enterprise sites…" and e.g. FIGURE 1, 106a-106c and related text);

performing a third at least one operation at said third work site on said third project data file using outsourced labor (paragraph [0040] "… copies can be made and updated each with …");

copying said third at least one operation from said third work site to said second work site;

performing said third at least one operation at said second work site on said second project data file (paragraph [0011] "… backup copy performed …" and paragraph [0020] "… enterprise information stored at one storage node can be mirrored at another storage node …");

performing a second at least one operation at said second work site on said second project data file using outsourced labor (paragraph [0040] "… copies can be made and updated each with …");

copying said third at least one operation and said second at least one operation from said second work site to said first work site (paragraph [0011] "… backup copy performed …" and paragraph [0020] "… enterprise information stored at one storage node can be mirrored at another storage node …"); applying said at third least one operation performed at said third work site and said second at least one operation performed at said second work site to said first project data file at said first work site (paragraph [0020] "… is copied to a plurality of other enterprise sites …" and paragraph [0084] "… replica 728 of FIGURE 7 can be periodically updated with most …"); and,

producing a finished work product at said first work site without copying said third data project file or said second data project file to said first work site (paragraph [0053] "… generation of customer-specific information …" and e.g. FIGURE 6 and related text).

Per claim 15, Bell discloses the method of claim 14 further comprising: generating metrics based on said second at least one operation itself (e.g. FIGURE 16, 1620 and related text).

Per claim 16, Bell discloses the method of claim 14 further comprising: generating metrics based on an intermediate work piece produced by applying said at second least one operation to said first project data file (e.g. FIGURE 16, 1602 and related text).

Per claim 17, Bell discloses the method of claim 14 further comprising: generating metrics based on said third at least one operation itself (e.g. FIGURE 16, 1602 and related text).

Per claim 18, Bell discloses the method of claim 14 further comprising: generating metrics based on an intermediate work piece produced by applying said at third least one operation to said first project data file (e.g. FIGURE 16, 1620 and related text).

Per claim 19, Bell discloses the method of claim 1 further comprising: playing back said at least one operation performed at said second work site at said first work site (e.g. FIGURE 1, 120a and related text).

Per claim 20, Bell discloses the method of claim 19 wherein said playing back said at least one operation occurs at a rate different from the rate observed in a plurality of stamps in said at least one operation (paragraph [0020] "… is copied to a plurality of other enterprise sites …" and paragraph [0084] "… replica 728 of FIGURE 7 can be periodically updated with most …").

As per claim 21, this is the system version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 22, this is the system version of the claimed method discussed above (Claim 2), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 23, this is the system version of the claimed method discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 24, this is the system version of the claimed method discussed above (Claim 4), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 25, this is the system version of the claimed method discussed above (Claim 5), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 26, this is the system version of the claimed method discussed above (Claim 6), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 27, this is the system version of the claimed method discussed above (Claim 7), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 28, this is the system version of the claimed method discussed above (Claim 8), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 29, this is the system version of the claimed method discussed above (Claim 9), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 30, this is the system version of the claimed method discussed above (Claim 10), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 31, this is the system version of the claimed method discussed above (Claim 11), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 32, this is the system version of the claimed method discussed above (Claim 12), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 33, this is the system version of the claimed method discussed above (Claim 13), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 34, this is the system version of the claimed method discussed above (Claim 14), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 35, this is the system version of the claimed method discussed above (Claim 15), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 36, this is the system version of the claimed method discussed above (Claim 16), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 37, this is the system version of the claimed method discussed above (Claim 17), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

As per claim 38, this is the system version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Bell.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571)272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192